

Applicant/Patentee : Peter J. Wilk  
Serial/Patent No. : Not Yet Assigned  
Filed/Issued : Not Yet Assigned  
For : Method and Device for Improving Cardiac Function  
Attorney's Docket No. : W07-431

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Wilk Patent Development Corporation  
ADDRESS OF CONCERN 160 Third Avenue, New York, NY 10003

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

Method and Device for Improving Cardiac Function by inventor(s)  
Peter J. Wilk described in

- the specification filed herewith.  
 application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

COLEMAN SUDOL, LLP  
708 Third Avenue, 14th Floor  
New York, New York 10017-4101

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Verified Statement (Declaration) Claiming Small Entity Status  
(37 CFR 1.9(f) and 1.27(c)) - Small Business Concern

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NAME OF CONCERN \_\_\_\_\_  
ADDRESS OF CONCERN \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Peter J. Wilk  
TITLE OF PERSON OTHER THAN OWNER President  
ADDRESS OF PERSON SIGNING 185 West End Avenue, New York, NY 10023  
SIGNATURE Peter J. Wilk  
DATE 14/6/95

COLEMAN SUDOL, LLP  
708 Third Avenue, 14th Floor  
New York, New York 10017  
(212) 679-0090

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office and citizenship as stated below under my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND DEVICE FOR IMPROVING CARDIAC FUNCTION**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**PRIOR FOREIGN APPLICATION(S)**

NUMBER	COUNTRY	(DAY/MONTH/YEAR FILED)	PRIORITY CLAIMED
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_____	_____	_____	<u>YES</u> <u>NO</u>
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_____	_____	_____	<u>YES</u> <u>NO</u>
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below and, insofar as the subject matter of each of the claims of this application

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is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE (DAY/MONTH/YEAR)	STATUS
09/426,744	25/10/1999	Patented,Pending,Abandoned

09/426,744	25/10/1999	Pending
09/121,477	23/07/1998	Pending

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: R. Neil Sudol (Reg. No. 31,669) and Henry D. Coleman (Reg. No. 32,559), both of 708 Third Avenue, Fourteenth Floor, New York, New York 10017.

Please address all correspondence regarding this application to:

COLEMAN SUDOL, LLP  
708 Third Avenue, Fourteenth Floor  
New York, New York 10017-4101

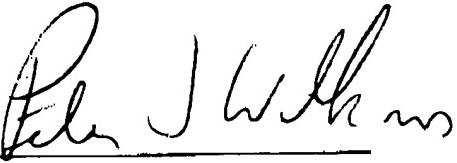
Direct all telephone calls to R. Neil Sudol at (212) 679-0090.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR: Peter J. Wilk

INVENTOR'S SIGNATURE: 

DATE: 11/6/59

RESIDENCE: 185 West End Avenue  
New York, New York 10023

COUNTRY OF CITIZENSHIP: United States of America

POST OFFICE ADDRESS: Same as above

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